



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2017 Biennium

<b>Bill #</b>	SB0277	<b>Title:</b>	Revise laws related to DPHHS personal assistance services information collection
<b>Primary Sponsor:</b>	Webb, Roger	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input checked="" type="checkbox"/> Technical Concerns   |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** SB 277 prohibits the Department of Public Health and Human Services (DPHHS) from collecting personally identifying information from direct-care workers. SB 277 will have minimal impact to DPHHS for rule changes.

### FISCAL ANALYSIS

#### Assumptions:

- The cost for rule changes is anticipated to be \$150 to \$200, and will be absorbed within the existing budget.

#### Technical Notes:

- Section 1, prohibition on collection of personally identifiable information, conflicts with Montana ARM and MCA:
  - Montana ARM 37.85.414 MAINTENANCE OF RECORDS AND AUDITING(3) states “ The department, the designated review organization, the legislative auditor, the Department of Revenue, the Medicaid fraud control unit, and their legal representatives shall have the right to inspect or evaluate the quality, appropriateness, and timeliness of services performed by providers, and to inspect and audit all records required by this rule.”

- b. Montana Code Annotated (MCA) 53-6-155. Definitions (15) (a) "Records" means medical, professional, business, or financial information and documents, whether in written, electronic, magnetic, microfilm, or other form:
- (i) pertaining to the provision of treatment, care, services, or items to a recipient;
  - (ii) pertaining to the income and expenses of the provider; or
  - (iii) otherwise relating to or pertaining to a determination of eligibility for or entitlement to payment or reimbursement under the Medicaid program.
- (b) The term includes all records and documents, regardless of whether the records are required by Medicaid laws, regulations, rules, or policies to be made and maintained by the provider.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*